



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

AGENDA

TUESDAY, DECEMBER 17, 2019
CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

- a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to California Government Code Section 54956.9(d)(2) – 2 cases
- b) CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code Section 54957.6
Agency designated representatives: Christopher Diaz, City Attorney
Unrepresented Employee: City Manager

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATION

- Presentation to Santa Clara Valley Science and Engineering Fair Association (SCVSEFA) Milpitas student STEM winners

PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

- C1. Receive City Council Calendars of Meetings for December 2019 and January 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Approve City Council Meeting Minutes of December 3, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve draft City Council meeting minutes of the December 3, 2019 regular Council meeting.

- C3. Adopt a Resolution to Nominate one new Priority Development Area (PDA) and Amend the Boundaries of an existing PDA, and Adopt a separate Resolution to Nominate three new Priority Production Areas (PPAs) for consideration by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) for inclusion in Plan Bay Area 2050 (Staff Contact: Avery Stark, 408-586-3288)**

Recommendation: Adopt a Resolution (1) to amend the boundaries of an existing PDA and nominate one new PDA, and adopt a separate Resolution (2) to nominate three new PPAs, for consideration by the MTC and ABAG for inclusion in Plan Bay Area 2050.

- C4. Adopt a Resolution Amending the City of Milpitas Classification Plan and Adjusting the Salary Schedule for All Represented Classifications of the Milpitas Police Officers Association (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Adopt a Resolution to amend the City of Milpitas Classification Plan and to adjust the salary schedule for all represented classifications in Milpitas Police Officers Association by 4.5% effective January 5, 2020.

- C5. Authorize the City Manager to Execute Amendment No. 3 to the Retired Annuitant Employment Agreement between the City of Milpitas and Joseph Minton for one additional year annually not to exceed \$63,484.80 and a total not to exceed \$204,580.80 (Staff Contact: Henry Kwong, 408-586-2419)**

Recommendation: Authorize the City Manager to execute Amendment No. 3 to the Retired Annuitant Employment Agreement between the City of Milpitas and Joseph Minton for one additional year annually not to exceed \$63,484.80 and a total not to exceed \$204,580.80.

- C6. Approve Final Tract Map No. 10476; and Approve and Authorize the Interim City Manager to Execute the Subdivision Improvement Agreement for a Mixed-Use Development at 1320 and 1425 McCandless Drive (Staff Contact: Steve Erickson, City Engineer, 408-586-3301)**

Recommendations:

- 1) Approve Final Tract Map No. 10476, accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and
- 2) Approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Milpitas – District 4 Owner, LLC, subject to minor legal changes deemed necessary by the City Attorney.

C7. Approve and Authorize the Interim City Manager to execute Agreement with Milpitas Unified School District for Construction of Phase 2 Mabel Mattos Elementary School Project and Completion of McCandless Drive Street Widening Improvements (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and authorize the Interim City Manager to execute an Agreement with Milpitas Unified School District for construction of the Phase 2 Mabel Mattos Elementary School Project and completion of McCandless Drive Street Widening Improvements.

C8. Receive the Milpitas Police Department Unmanned Aircraft System (UAS) Policy (Staff Contact: Jared Hernandez, 408-586-2406)

Recommendation: Receive the Milpitas Police Department and Unmanned Aircraft System (UAS) Policy.

C9. Report on Bids and Award of Construction Contract to American Asphalt Repair and Resurfacing Company, Inc. in the amount of \$123,930 for Repaving of the Public Works and Police Departments' Parking Lots (Staff Contact: Tony Ndah, 408-586-2602)

Recommendations:

- 1) Receive a report on bids and award of construction contract to the lowest responsible bidder submitting a responsive bid, American Asphalt Repair and Resurfacing Company, Inc., in the amount of \$123,930 for the Repaving of the Public Works and Police Departments' Parking Lots Project.
- 2) Authorize the Director of Public Works to negotiate and execute contract change orders in an aggregate amount not to exceed \$10,000 for this project.

C10. Approve the Memorandum of Understanding Agreement between the City of Milpitas and the Santa Clara County Library District (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Approve the Memorandum of Understanding Agreement between the City of Milpitas and the Santa Clara County Library District.

C11. Approve the Milpitas Parks, Recreation and Cultural Resources Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: Rosana Cacao, 408-586-3207)

Recommendation: Approve the proposed Parks, Recreation and Cultural Resources Commission Fiscal Year 2019-20 Work Plan.

C12. Approve the Milpitas Veterans Commission Work Plan for Fiscal Year 2019-20 and Bylaws Amendment (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendations: (1) Receive and approve proposed Veterans Commission Fiscal Year 2019-20 Work Plan;; and, (2) approve the amended Veterans Commission Bylaws to remove any term limits for Veterans Commissioners only.

- C13. Approve the Milpitas Youth Advisory Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: Anthony Teschera, 408-586-3231)**

Recommendation: Approve the proposed Youth Advisory Commission Fiscal Year 2019-20 Work Plan.

PUBLIC HEARING

- 14. Adopt a Resolution approving a Conditional Use Permit Amendment and Major Tentative Map to allow the Subdivision of a previously approved Residential Complex located at 91 Montague Expressway into 72 condominium units (Staff Contact: Michael Fossati, 408-586-3274)**

Recommendations:

1. Conduct a public hearing, and move to close the hearing following comments.
2. Adopt a Resolution approving Conditional Use Permit Amendment (UA19-0018) and Major Tentative Map (MT19-0001) to allow the subdivision of a previously approved residential complex located at 91 Montague Expressway into 72 residential condominium units.

COMMUNITY DEVELOPMENT

- 15. Receive Update and Presentation from Santa Clara Valley Transportation Authority (VTA) Staff on the Milpitas Transit Center and Bay Area Rapid Transit (BART) Station (Staff Contact: Ashwini Kantak, 408-586-3053)**

Recommendation: Receive update and presentation from Santa Clara Valley Transportation Authority (VTA) staff on the Milpitas Transit Center and Bay Area Rapid Transit (BART) Station.

LEADERSHIP AND SUPPORT SERVICES

- 16. Waive the Second Reading and Adopt Ordinance No. 120.49 Amending Title VIII, Chapter 1 of the Milpitas Municipal Code Relating to Discontinuance and Restoration of Water Service (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Waive the second reading and adopt Ordinance No. 120.49 amending Title VIII, Chapter 1 of the Milpitas Municipal Code relating to discontinuance and restoration of water service.

- 17. Accept the City's Comprehensive Annual Financial Report and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2019 (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Accept the City's Comprehensive Annual Financial Report and other Related Annual Audited Reports for the Fiscal Year ended June 30, 2019.

- 18. Adopt a Resolution Amending the City of Milpitas Classification Plan to Establish the Community Services Specialist Position and to Reclassify One Program Coordinator Position to One Community Services Specialist Position (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Adopt a Resolution amending the Classification Plan to establish the Community Services Specialist position and to reclassify one Program Coordinator position to one Community Services Specialist position.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies

19. Receive an Update on the Milpitas Sister Cities Program (Contact: Mayor Tran, 408-586-3029)

Recommendations:

- 1) Receive background information and preliminary analysis on Sister Cities programming.
- 2) Consider request for a Sister Cities Memorandum of Understanding with the City of Dagupan (Philippines).

20. Consider Mayor Tran's Recommendations for Appointments and Re-appointments to Ten City of Milpitas Commissions (Contact: Mayor Tran, 408-586-3029)

Recommendation: Receive Mayor Tran's recommendations and approve new appointments and re-appointments of current Commissioners and Alternate Members to 10 City of Milpitas Commissions: Arts; Community Advisory; Energy and Environmental Sustainability; Library and Education; Parks, Recreation and Cultural Resources; Public Safety & Emergency Preparedness; Senior Advisory; Science Technology & Innovation; Veterans; and Youth Advisory.

NEXT AGENDA PREVIEW

21. Receive Preview List of Agenda Items for the Next City Council meeting on January 7, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

ADJOURNMENT

NEXT CITY COUNCIL MEETING
JANUARY 7, 2020

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. All City Council agendas and related materials can be viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.